

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD D. GLAWSON

Plaintiff

V.

CIVIL ACTION

NO. 04-12199-MLW

ROBERT KEATON et al

Defendants

JUDGMENT

WOLF, D. J.

In accordance with the Court's allowance, on February 27, 2006, of the defendant, Robert Cosgrove's Motion to Dismiss (docket no. 20), in the above-referenced action, dismissing the plaintiff's complaint as to the defendant, Robert Cosgrove, it is hereby ORDERED:

Judgment of dismissal for the defendant, as to the defendant, Robert Cosgrove, only.

By the Court,

February 27, 2006
Date

/s/ Dennis O'Leary
Deputy Clerk

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSRICHARD D. GLAWSON
Plaintiff,

v.

ROBERT KEATON, et al
Defendants

Civil Action No. 04-12199-MLW

DEFENDANT ROBERT COSGROVE'S
MOTION TO DISMISS

Defendant Robert Cosgrove respectfully requests that the Court dismiss him from this lawsuit. Cosgrove must be dismissed from this suit because (1) the Eleventh Amendment bars the claims against him; (2) he is not a "person" within the meaning of 42 U.S.C. § 1983, and thus cannot be sued under that statute; and (3) Cosgrove, an assistant district attorney, is entitled to both absolute and qualified immunity. Consequently, Cosgrove should be dismissed from this litigation with prejudice. In support of his motion, Cosgrove relies on the memorandum of law submitted herewith.

WHEREFORE, this motion should be allowed and an order should issue dismissing Cosgrove from this lawsuit with prejudice.

As the motion is not
opposed and, in any event,
appears meritorious, it is hereby
allowed. This case is hereby
dismissed as against Cosgrove.
W.H.D.J.
Feb. 27, 2006